

House Bill 1316

By: Representatives Jordan of the 77th, Reece of the 11th, Setzler of the 35th, Abdul-Salaam of the 74th, Mitchell of the 88th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Subpart 2 of Part 6 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to conditions of employment for the purposes of the "Quality Basic Education Act," so as to enact a bill of rights for Georgia teachers; to require annual evaluations of principals and assistant principals by teachers; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Subpart 2 of Part 6 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to conditions of employment for the purposes of the "Quality Basic Education Act," is amended by adding a new Code section to read as follows:

"20-2-221.

Notwithstanding any other provision of law to the contrary, each certificated teacher serving in the public schools of Georgia shall have the following rights as a condition of employment:

(1) Constructive criticism offered in a professional manner is an appropriate way to seek improvement of the educational system. School board members and administrators shall respect the right of a teacher to exercise independent thought and to express constructive criticism in an appropriate and professional manner;

(2) Each teacher in Georgia shall have the right to associate or not to associate with an educational professional organization or association. Such right shall not be abridged, and a teacher shall not suffer reprisal for exercising such right;

(3) A teacher shall not be coerced, threatened, or intimidated to change a student's grade if, in the opinion of the teacher, the student earned that grade;

(4) If, in the professional judgment of a teacher, a student needs to be removed from the regular classroom environment because the student's misconduct is materially and substantially disrupting the learning processes of the other students, the administrator

shall respect the teacher's professional judgment. At minimum, the student shall not be returned to the classroom on that particular day. The administrator shall not undermine the teacher's authority in the classroom by questioning the teacher's account of what happened in front of one or more students;

(5) A teacher has the right to file a grievance about an evaluation if, in the opinion of the teacher, the evaluation was unfair, false, or retaliation for the exercise of a right granted by this Code section;

(6) Each teacher shall be afforded the opportunity to participate in an annual evaluation of each principal and assistant principal at his or her school in accordance with subsection (e) of Code Section 20-2-210. These evaluations shall be conducted in a way so as to ensure each teacher's confidentiality and anonymity. These evaluations shall be forwarded to the superintendent who in turn shall send copies of all the evaluations to each member of the local board of education;

(7) No teacher shall be discriminated against on the basis of the teacher's race, gender, age, religion, nationality, disability, or exercise of the freedom of association;

(8) No teacher shall be the object of capricious or arbitrary treatment;

(9) Upon transfer to a different school system, a teacher's service in any public school of this state shall receive full credit for purposes of calculating the teacher's eligibility for any local supplement to salary; and

(10) The teacher of the year at each school shall be nominated and selected solely by the anonymous votes of the teachers at the school."

SECTION 2.

Said subpart is further amended by revising subsection (e) of Code Section 20-2-210, relating to annual performance evaluations, as follows:

"(e) In addition to the evaluation by a trained evaluator provided for in subsection (a) of this Code section, the local school system ~~may~~ shall require each principal and assistant principal of a school to have his or her performance evaluated annually by the teachers in the school. Such evaluations by teachers shall be confidential, solicited and recorded on an anonymous basis, and made available only to the local school superintendent and the local board of education. Such evaluations shall not be subject to Article 4 of Chapter 18 of Title 50."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.